

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 26 May 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE15/104) - Company Contracts - 457 - Programme 2.3: Visas

Senator Hanson-Young, Sarah (L&CA 87) asked:

Senator HANSON-YOUNG: My question is around the oversight of how these contracts were able to be signed. We were starting to get some answers and Senator O'Sullivan rudely interrupted

Senator HANSON-YOUNG: So there is obviously a list of accredited companies that use 457s.

Mr Wilden: Correct.

Senator HANSON-YOUNG: Do they have their own regulatory requirement? It is up to them, is it, to make sure they are sticking by the rule of law?

Mr Wilden: When you become a sponsor you actually sign up to a series of obligations which includes, at its most basic, adherence to the law. It also gives specific commitments about conduct in the labour market. I am just trying to recall, but we can provide on notice a full list of their obligations. A lot of it is in the legislation.

Answer:

Sponsor obligations apply to all sponsors of subclass 457 visa holders. The sponsor obligations are in place to ensure that overseas workers are protected from exploitation, to ensure that the program is being used to meet genuine skill shortages and is not being used to under-cut local labour wages and conditions. Approved sponsors must comply with their sponsorship obligations for the time specified under each obligation with some obligations applying even after the sponsorship agreement has ceased or after the worker is no longer employed by the sponsor.

The following is a full list of the obligations that sponsors in the 457 programme are required to meet:

Regulation 2.78	Obligation to cooperate with inspectors
Regulation 2.79	Obligation to ensure equivalent terms and conditions of employment
Regulation 2.80	Obligation to pay travel costs to enable sponsored persons to leave Australia
Regulation 2.81	Obligation to pay costs incurred by the Commonwealth to locate and remove an unlawful non-citizen
Regulation 2.82	Obligation to keep records
Regulation 2.83	Obligation to provide records and information to the Minister
Regulation 2.84	Obligation to provide information to Immigration when certain events occur

- Regulation 2.86 Obligation to ensure primary sponsored person works or participates in nominated occupation, program or activity
- Regulation 2.87 Obligation not to recover, transfer or take actions that would result in another person paying for certain costs
- Regulation 2.87B Obligation to provide training